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**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,
Plaintiff,

CIVIL ACTION NO. 09-CV-10116

v.

THE ENCLAVE DEVELOPMENT, L.L.C,
MCS ASSOCIATES, INC., ROBERT LIPKA
AND ASSOCIATES, a/k/a ROBERT LIPKA,
ARCHITECT, P.C. and CHESTER
STEMPIEN ASSOCIATES, AIA,
Defendants.

Judge: ARTHUR J. TARNOW
United States District Judge

Magistrate Judge Mona K. Majzoub

**STIPULATION AND ORDER REGARDING DISBURSEMENT OF
SETTLEMENT FUND**

This matter is now before the Court by stipulation of Plaintiff United States and Defendant Enclave concerning the distribution of monetary damages from the Settlement Fund created by the Defendants to compensate alleged aggrieved persons identified by the United States, pursuant to paragraphs 30 through 38 of the Consent Order entered by this Court in this case on September 27, 2011. These paragraphs apply only to the United States and Defendant Enclave.

As required by paragraph 37 of the Consent Order, the United States provided to Defendant Enclave with its preliminary determination of which persons are aggrieved and recommended damages, together with sworn declarations from alleged aggrieved persons setting forth the factual basis of their claims; Defendant Enclave had the opportunity to provide to the United States information it believes may affect the claims of these alleged aggrieved persons. In recommending damages, the United States took into account factors that include whether the person had difficulties using a wheelchair in the unit, whether the person was able to get in and out of the front door of the unit, whether the person had extreme difficulties using an inaccessible bathroom, whether the person

1 moved out of the apartment as a result of the inaccessible features and whether the person paid for
 2 modifications to make the unit more accessible. The United States determined that members of a
 3 household where one person had difficulties with the inaccessible design of the apartment are also
 4 aggrieved. Each of the aggrieved persons is over the age of 18. The parties hereby stipulate to, and
 5 the Court hereby ORDERS, the following:

- 6 1. The fifteen (15) individuals listed below shall be awarded the following amounts for claims
 7 they have alleged:

9 Ella Dunford_	\$4,565
10 Marie Serano_	\$4,455
11 Gary Dean	\$4,415
12 Diane Weinberg	\$3,038
13 Frank Jarrett	\$1,519
14 Mona Jarrett	\$1,519
15 Bradley Voss	\$1,515
16 Douglas Girardot	\$1,515
17 Randall Gathman	\$757.50
18 Toni Gathman	\$757.50
19 William Sexton	\$757.50
20 Donna Sexton	\$757.50
21 <u>Heirs of Lucille Alexander</u>	
Keith Alexander	\$1471.67
22 Ross David Alexander	\$1471.67
23 James Alexander	\$1471.67

- 24 2. The United States has determined that Lucille Alexander was an aggrieved person. Mrs.
 25 Alexander died in August of 2009. The damages awarded to Mrs. Alexander are hereby
 26 ordered to be paid in equal parts to her three heirs: Keith Alexander, Ross David Alexander,
 27 and James Alexander as set out above.
 28

1 3. Greco Title Agency, the escrow agent that holds the Settlement Fund in accordance with
2 paragraphs 30 and 31 of the Consent Order, is hereby ordered to prepare checks to the persons
3 listed in paragraph 1 this Order. In accordance with paragraph 38 of the Consent Order, the
4 escrow agent, Greco Title Agency, shall issue checks to the aggrieved persons and heirs listed
5 in this order and deliver those checks to the United States within ten (10) days of the entry of
6 this Order. The remaining balance not accounted for by this Order is *de minimus* and shall be
7 returned to Defendant Enclave.
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10 **ORDERED** this 17th day of May, 2012:
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12 s/Arthur J. Tarnow

13 HONORABLE ARTHUR J. TARNOW
14 UNITED STATES DISTRICT JUDGE
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1 By their signatures below, the parties consent to the entry of this Order.

2 **For Plaintiff United States of America:**

3 Dated: May 15, 2012

4 BARBARA L. McQUADE
United States Attorney

THOMAS E. PEREZ
Assistant Attorney General
Civil Rights Division

6
7 /s/ Judith E. Levy
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16
17 **For Defendant the Enclave Development, LLC:**

/s/ with consent Wayne Segal
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